IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

MFA.No. 815 of 2002(B)

OP(MV)1302/1993 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
.....

APPELLANT: 1ST PETITIONER IN OP(MV)

AJITHA, KARANATH HOUSE, NATTIKA P.O.,
THRIPRAYAR.

BY ADV. SRI.P.V.BABY

RESPONDENTS: RESPONDENTS IN OP(MV)
----

1. P.D.ANTONY, S/O.DEVASSY,
PULIKKAL HOUSE, CHENTRAPPINNI EAST,
THRISSUR DISTRICT.

2. P.M.MAJEED, PUTHIYAVEETTIL HOUSE,
KAZHIMBRAM, THRISSUR DISTRICT.

3. THE BRANCH MANAGER, THE ORIENTAL
INSURANCE CO.LTD., KODUNGALLUR BRANCH.

R3 BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY & K. HEMA, JJ.

M.F.A.No. 815 of 2002

Dated this the 22nd day of December, 2007.

JUDGMENT

Koshy, J:

A 28 year old youngster died in a motor accident. His wife and mother claimed compensation of Rs.5 lakhs. He had no children. The Tribunal awarded a total compensation of Rs.1,08,000/-. The mother did not file any appeal. The Tribunal while calculating compensation has taken Rs.1000/- as monthly loss of dependency for the wife. Since she was re-married after two years, she was granted Rs.24,000/- for loss of dependency. Monthly loss of dependency for mother was fixed as Rs.500/- and 11 was taken as the multiplier considering the age of the mother. The mother was not even made a respondent in the appeal. Considering the fact that the appellant was re-married after two years and reasonable amount of compensation was granted by the Tribunal to her, we are of the opinion that no interference is required in the award at the instance of the appellant.

Appeal is dismissed.

Sd/-

J.B.KOSHY, JUDGE.

Sd/-

K. HEMA, JUDGE.

Krs.

J.B. KOSHY & K. HEMA, JJ.

M.F.A.No. 815 of 2002

Dated this the 22nd day of December, 2007.

JUDGMENT